III. REMARKS

Claims 1-12 are pending in this application. By this amendment, claims 10-12 are added; claim 1 has been amended herein. Applicant does not acquiesce in the correctness of the rejections and reserve the right to present specific arguments regarding any rejected claims not specifically addressed. Furthermore, Applicant reserves the right to pursue the full scope of the subject matter of the original claims in a subsequent patent application that claims priority to the instant application. Reconsideration in view of the following remarks is requested.

Entry of this Amendment is proper under 27 C.F.R §1.116(b) because the Amendment: (a) places the application in condition for allowance as discussed below; (b) does not raise any new issues requiring further search and/or consideration; and (c) places the application in better form for appeal. Accordingly, Applicant respectfully requests entry of this Amendment.

Claims 4-6 and 8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant gratefully acknowledges the indication of allowable subject matter. Claims 10 and 11, added herein, are merely a rewriting in independent format of previous dependent claims 4 and 5.

Claims 1 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over El-Tarhuni et al. (US Patent No. 6,201,828), hereinafter "El-Tarhuni", in view of Komatsu (US Patent No. 6,816,542), hereinafter "Komatsu". Claims 2 and 3 are rejected under 35

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U.S.C. 103(a) as being unpatentable over El-Tahuni in view of Komatsu and further in view of Aue (US Patent Application Publication No. 2002/0051486), hereinafter "Aue". Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over El-Tarhuni, Komatsu, and Aue and further in view of Bultan et al. (US Patent Application Publication No. 2004/0057506), hereinafter "Bultan".

Applicant respectfully submits that all claims are allowable over the cited art. "To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations." MPEP 706.02(j).

Applicant traverses the rejections for the following reasons.

With regard to claim 1, Applicant respectfully submits that the cited combination of El-Tarhuni and Komatsu does not teach or suggest all of the claim limitations. For example, the combination does not teach or suggest, *inter alia,* "code generation means for generating a filtered pilot code that provides a multibit interpolation of a generated pilot code prior to the parallel signal paths, the filtered pilot code further having out-of-band harmonics removed," (See Claim 1, as amended). The Office admits that El-Tarhuni fails to disclose a (code) generation means for generating a filtered pilot code. Office Action, page 3, 6th bullet point. The Office then turns to Komatsu (citing figure 4;

col. 1, lines 15-22; col. 3, lines 6-10), for alleged disclosure of the admitted omission in El-Tarhuni. Office Action, page 3, 7th bullet point.

In fact, Komatsu merely discloses a matched filter 2 which "finds correlation values between a spreading code and received data sampled in A/D converter 1." Col. 3, lines 59-61. Further, Komatsu states that the matched filter 2 is "made up of received signal shirt register 11, spreading code register 12, multipliers 13, and adder 14." Col. 4, lines 15-18. Applicant respectfully fails to agree that the matched filter in Komatsu is an adequate disclosure for an equivalent code generation means that, *inter alia*, generates a filtered pilot code having out-of-band harmonics removed. Further, it is not clear to Applicant where any filtered pilot code is generated in Komatsu, whatsoever.

The Office continues by alleging that the despreader in Komatsu, citing the abstract, "interpolates the spreading code to synchronize with the timing signal". Office Action, page 3, 7th bullet point. This appears to be an allegation by the Office that the despreader in Komatsu teaches a code generation means. However, a careful reading of the particular cited sections and figure 4, as well as Komatsu, in its entirety, indicates that the interpolative despreaders 5, 6, 7, even assuming *arguendo* that they are providing a multibit interpolation of a generated pilot code, only do so *in parallel* and not *prior* to the parallel signal paths, as in the claimed invention.
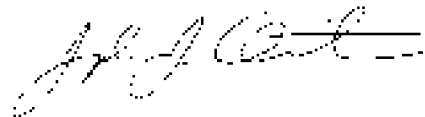
Applicant submits that the Office has not met its burden in establishing a *prima facie* case of obviousness with regards to claim 1. Accordingly, Applicant respectfully requests withdrawal of the rejection.

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With respect to dependent claims 2-9, Applicant herein incorporates the arguments presented above with respect to the independent claims from which the claims depend. The dependent claims are believed to be allowable based on the above arguments, as well as for their own additional features.

IV. CONCLUSION

In light of the above remarks, Applicant respectfully submits that all claims are in condition for allowance. Should the Examiner require anything further to place the application in better condition for allowance, the Examiner is invited to contact Applicant's undersigned representative at the number listed below.

Respectfully submitted,

Date: December 11, 2006   /_____/
                                        Joseph J. Christian
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